

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA NOBLE HEAVY RUNNER,

Defendant.

CR-14-74-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 8, 2017. (Doc. 36.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 1, 2017. (Doc. 36 at 3.) Heavy Runner admitted that he violated the conditions of his supervised release. Heavy Runner violated the conditions of his supervised release by (1) failing to report for sex offender treatment; (2) failing to report for substance abuse

testing; (3) failing to notify his probation officer of a change in his address; and (4) failing to pay his special assessment. (Doc. 36 at 5.) Heavy Runner neither admitted nor denied that he failed to register as a sex offender. (Doc. 36 at 3.) The United States did not put on evidence regarding this allegation. *Id.* The violations prove serious and warrant revocation of Denny's supervised release. Judge Johnston has recommended that the Court revoke Heavy Runner's supervised release and commit Heavy Runner to the custody of the Bureau of Prisons for six months. (Doc. 36 at 5.) Judge Johnston further has recommended that 36 months of supervised release follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Heavy Runner's violations of his conditions represent a serious breach of the Court's trust. A sentence custody of six months, followed by 36 months supervised release, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 36) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Joshua Noble Heavy Runner be sentenced to custody for six months, followed by 36 months of supervised release, on each count, to run concurrently.

DATED this 23rd day of August, 2017.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge